

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO PUBLIC UTILITIES; REMOVING A REQUIREMENT FOR
DETERMINATION OF RIGHT-OF-WAY WIDTH FOR ASSOCIATED
FACILITIES; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 62-1-4 NMSA 1978 (being Laws 1909,
Chapter 141, Section 4, as amended) is amended to read:

"62-1-4. EMINENT DOMAIN--SURVEYS--ENTRY ON PROPERTY--
CROSSING RIGHT OF WAY OF ANOTHER CORPORATION.--

A. Corporations organized pursuant to Section
62-1-1 NMSA 1978 are authorized to enter upon any property
belonging to the state or to persons, firms or corporations
for the purpose of making surveys and from time to time to
appropriate so much of such property not exceeding a strip
one hundred feet wide for transmission lines, or up to seven
acres in any one place for a station, as may be necessary for
their purpose. The corporations have the right of access to
such property to construct and place their lines, pipes,
poles, cables, conduits, towers, stations, fixtures,
appliances and other structures and to repair them. If a
corporation cannot agree with the owners as to a right of way
or the compensation for a right of way, the corporation may
proceed to obtain the right of way in the manner provided by
law for condemnation of such property. Where it is necessary

1 to cross the right of way of another corporation, the
2 crossing shall be effected either by mutual agreement or in
3 the manner now provided by law for the crossing of one
4 railroad by another railroad; provided that the construction
5 of any electric transmission lines crossing the right of way
6 of a railroad shall comply with the minimum standards of the
7 national electric safety code. When it is necessary for a
8 corporation to construct any transmission line for the
9 transmission of electrical power requiring a width for right
10 of way of greater than one hundred feet, unless that width is
11 agreed to by the parties, the applicant for the right of way
12 shall apply to the commission as provided in Section 62-9-3.2
13 NMSA 1978 for a determination of the width necessary for the
14 right of way for the transmission line.

15 B. For the purposes of this section, "corporation"
16 means individuals, firms, partnerships, companies,
17 municipalities, rural electric cooperatives organized under
18 Laws 1937, Chapter 100 or the Rural Electric Cooperative Act,
19 lessees, trustees or receivers appointed by any court."

20 Section 2. Section 62-9-3.2 NMSA 1978 (being Laws 1980,
21 Chapter 20, Section 18, as amended) is amended to read:

22 "62-9-3.2. APPLICATION FOR DETERMINATION OF
23 RIGHT-OF-WAY WIDTH.--

24 A. Unless otherwise agreed to by the parties, a
25 person shall not begin the construction of any transmission

1 line requiring a width for right-of-way of greater than one
2 hundred feet without first obtaining from the commission a
3 determination of the necessary right-of-way width to
4 construct and maintain the transmission line. For the
5 purposes of this subsection, "construction" does not include
6 acquisition of rights of way, preparation of surveys or
7 ordering of equipment.

8 B. For the purposes of this section, "transmission
9 line" means any electric transmission line requiring a width
10 for right of way of greater than one hundred feet.

11 C. Application for the right-of-way width
12 determination shall contain all information required by the
13 commission to make its determination, be made in writing,
14 setting forth the facts involved, and be filed with the
15 commission.

16 D. The applicant shall cause notice of the time
17 and place of hearing on the application for the right-of-way
18 determination to be given to any owner of property proposed
19 to be taken and, if applicable, to the person in actual
20 occupancy of the property. Notice shall be given by mailing
21 a copy by ordinary first class mail at least twenty days
22 before the time set for hearing. Proof of the giving of
23 notice shall be made on or before the hearing and filed in
24 the proceeding.

25 E. The commission shall, after public hearing, act SB 235
Page 3

1 upon the application.

2 F. The commission shall issue its order granting
3 or denying the application within six months from the date
4 the application is filed with the commission. Failure to
5 issue its order within six months is deemed to be approval of
6 the application." _____

SB 235
Page 4

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25